

109TH CONGRESS  
2D SESSION

# S. 3172

To establish an Office of Emergency Communications, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Mrs. CLINTON (for herself and Mr. SALAZAR) introduced the following bill;  
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To establish an Office of Emergency Communications, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Interoperable  
5       Communications and Safety Act of 2006”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act—

8               (1) the term “Department” means the Depart-  
9       ment of Homeland Security;

1           (2) the term “Emergency Communications Pre-  
2           paredness Center” or the “Center” means the center  
3           established under section 8(a);

4           (3) the terms “emergency response providers”,  
5           “local government”, and “State” have the same  
6           meaning as in section 2 of the Homeland Security  
7           Act of 2002 (6 U.S.C. 101);

8           (4) the term “emergency response support pro-  
9           vider” includes Federal, State, and local govern-  
10          mental and nongovernmental utilities, public works,  
11          transportation, and public health and related per-  
12          sonnel, organizations, agencies, and authorities;

13          (5) the term “interoperable emergency commu-  
14          nications system” means the ability of emergency re-  
15          sponse providers and relevant Federal, State, and  
16          local government agencies to communicate with each  
17          other as necessary, through a dedicated public safety  
18          network utilizing information technology systems  
19          and radio communications systems, and to exchange  
20          voice, data, or video with one another on demand, in  
21          real time, as necessary;

22          (6) the term “National Emergency Communica-  
23          tions Strategy” means the strategy established  
24          under section 4(a);

1           (7) the term “Office of Emergency Communica-  
2       tions” means the office established under section  
3       3(a);

4           (8) the term “Regional Emergency Communica-  
5       tions Coordination Working Group” or “RECC  
6       Working Group” means a working group established  
7       under section 7(a); and

8           (9) the term “Secretary” means the Secretary  
9       of Homeland Security.

10 **SEC. 3. OFFICE OF EMERGENCY COMMUNICATIONS.**

11       (a) IN GENERAL.—There is established in the De-  
12       partment an Office of Emergency Communications.

13       (b) UNDER SECRETARY.—The head of the Office of  
14       Emergency Communications shall be the Under Secretary  
15       for Emergency Communications who shall—

16           (1) be appointed by the President, by and with  
17       the advice and consent of the Senate; and

18           (2) report directly to the Secretary.

19       (c) RESPONSIBILITIES.—The Under Secretary for  
20       Emergency Communications shall—

21           (1) assist the Secretary in developing and im-  
22       plementing the program described in section  
23       7303(a)(1) of the Intelligence Reform and Terrorism  
24       Prevention Act of 2004 (6 U.S.C. 194(a)(1));

1           (2) administer the Department’s responsibilities  
2           and authorities relating to the SAFECOM Program;

3           (3) administer the Department’s responsibilities  
4           and authorities relating to the Integrated Wireless  
5           Network program;

6           (4) conduct extensive, nationwide outreach and  
7           foster the development of interoperable emergency  
8           communications capabilities by State, regional, and  
9           local governments and public safety agencies;

10          (5) provide technical assistance to State, re-  
11          gional, and local government officials with respect to  
12          use of interoperable emergency communications ca-  
13          pabilities;

14          (6) promote the development of standard oper-  
15          ating procedures with respect to use of interoperable  
16          emergency communications capabilities for incident  
17          response and facilitate the sharing of information on  
18          best practices (including from governments abroad)  
19          for achieving, maintaining, and enhancing interoper-  
20          able emergency communications capabilities for such  
21          response;

22          (7) coordinate the establishment of a national  
23          response capability with initial and ongoing plan-  
24          ning, implementation, and training for the deploy-  
25          ment of backup communications services in the

1 event of a catastrophic loss of local and regional  
2 emergency communications services;

3 (8) assist the President, the National Security  
4 Council, the Homeland Security Council, the Direc-  
5 tor of the Office of Science and Technology Policy,  
6 and the Director of the Office of Management and  
7 Budget in ensuring the operability of the tele-  
8 communications functions and responsibilities of the  
9 Federal Government;

10 (9) establish requirements for total and non-  
11 proprietary interoperable emergency communications  
12 capabilities for all public safety radio and data com-  
13 munications systems and equipment;

14 (10) help to establish an integrated national  
15 public alert and warning system that incorporates  
16 legacy systems; and

17 (11) review all interoperable emergency commu-  
18 nications plans of Federal, State, and local govern-  
19 ments, including Statewide and tactical interoper-  
20 ability plans.

21 (d) PERFORMANCE OF PREVIOUSLY TRANSFERRED  
22 FUNCTIONS.—There is transferred to the Secretary the  
23 authority to administer, through the Under Secretary for  
24 Emergency Communications, the following:

25 (1) The SAFECOM Program.

1           (2) The responsibilities of the Chief Informa-  
2           tion Officer related to the implementation of the In-  
3           tegrated Wireless Network.

4           (3) The Interoperable Communications Tech-  
5           nical Assistance Program.

6           (e) COORDINATION.—The Under Secretary shall co-  
7           ordinate, as appropriate, with the Director of the Office  
8           for Interoperability and Compatibility to—

9           (1) assist the Under Secretary in developing  
10          and implementing the science and technology aspects  
11          of the program described in subparagraphs (D), (E),  
12          (F), and (G) of section 7303(a)(1) of the Intel-  
13          ligence Reform and Terrorism Prevention Act of  
14          2004 (6 U.S.C. 194(a)(1));

15          (2) support the creation of national voluntary  
16          consensus standards for interoperable emergency  
17          communications;

18          (3) establish a comprehensive research, develop-  
19          ment, testing, and evaluation program for improving  
20          interoperable emergency communications;

21          (4) establish requirements for total and non-  
22          proprietary interoperable emergency communications  
23          capabilities for all public safety radio and data com-  
24          munications systems and equipment;

1           (5) evaluate and validate new technology con-  
2       cepts in real-world environments to achieve inter-  
3       operable emergency communications capabilities;

4           (6) encourage more efficient use of existing re-  
5       sources, including equipment and spectrum, to  
6       achieve interoperable emergency communications ca-  
7       pabilities;

8           (7) test and deploy public safety communica-  
9       tions systems that are less prone to failure, support  
10      new nonvoice services, consume less spectrum, and  
11      cost less than existing systems;

12          (8) work with the private sector to develop solu-  
13      tions to improve emergency communications capa-  
14      bilities and achieve interoperable emergency commu-  
15      nications capabilities; and

16          (9) coordinate with the Under Secretary for  
17      Emergency Communications with respect to the  
18      SAFECOM program.

19      (f) SUFFICIENCY OF RESOURCES.—

20          (1) IN GENERAL.—The Secretary shall provide  
21      the Office for Emergency Communications the re-  
22      sources and staff necessary to carry out the respon-  
23      sibilities under this section.

24          (2) PLAN.—Not later than days 60 days after  
25      the date of enactment of this Act, the Secretary

1       shall submit to Congress a report on the resources  
2       and staff necessary to carry out the responsibilities  
3       under this Act.

4               (3) COMPTROLLER GENERAL REVIEW.—

5                       (A) IN GENERAL.—The Comptroller Gen-  
6       eral shall review the validity of the report sub-  
7       mitted under paragraph (2).

8                       (B) REPORT.—Not later than 30 days  
9       after the date on which the report is submitted  
10      under paragraph (2), the Comptroller General  
11      shall submit to Congress a report containing  
12      the findings of the review under subparagraph  
13      (A).

14 **SEC. 4. NATIONAL EMERGENCY COMMUNICATIONS STRAT-**  
15 **EGY.**

16       (a) IN GENERAL.—Not later than 1 year after the  
17      completion of the baseline assessment under section 5, the  
18      Secretary, acting through the Under Secretary for Emer-  
19      gency Communications, and in cooperation with State and  
20      local governments, Federal departments and agencies,  
21      emergency response providers, emergency response sup-  
22      port responders, and the private sector, shall develop a  
23      National Emergency Communications Strategy to achieve  
24      interoperable emergency communications.



1 (b) CONTENTS.—The National Emergency Commu-  
2 nications Strategy shall—

3 (1) include a national interoperable emergency  
4 communication inventory that—

5 (A) identifies for each Federal department  
6 and agency—

7 (i) the channels and frequencies used;

8 (ii) the nomenclature used to refer to  
9 each channel or frequency used; and

10 (iii) the types of communications sys-  
11 tem and equipment used;

12 (B) identifies the interoperable emergency  
13 communication systems in use for public safety  
14 systems in the United States; and

15 (C) provides a listing of public safety mu-  
16 tual aid channels in operation and their ability  
17 to connect to an interoperable communications  
18 system;

19 (2) include, in consultation with the National  
20 Institute of Standards and Technology, a process for  
21 expediting national voluntary consensus-based emer-  
22 gency communications equipment standards for the  
23 purchase and use by public safety agencies of inter-  
24 operable emergency communications equipment and  
25 technologies;

1           (3) identify the appropriate interoperable emer-  
2       gency communications capabilities necessary for  
3       Federal, State, and local governments to operate at  
4       all threat levels;

5           (4) address both short-term and long-term solu-  
6       tions to achieving Federal, State, and local inter-  
7       operable emergency communications systems, includ-  
8       ing provision of existing and emerging technologies  
9       that facilitate operability, interoperability, coordina-  
10      tion, and integration among existing emergency com-  
11      munications systems;

12          (5) identify how Federal Government depart-  
13      ments and agencies that respond to acts of ter-  
14      rorism, natural disasters, and other emergencies can  
15      work effectively with State and local governments, in  
16      all States, and with such other entities as are nec-  
17      essary to implement the strategy;

18          (6) include measures to identify and overcome  
19      all obstacles to achieving interoperable emergency  
20      communications; and

21          (7) set goals and establish timeframes for the  
22      achievement of an emergency, command-level com-  
23      munication system based on existing equipment  
24      across the United States and develop a timetable for

1 a nationwide interoperable emergency communica-  
2 tions system.

3 **SEC. 5. ASSESSMENTS AND REPORTS.**

4 (a) **BASELINE OPERABILITY AND INTEROPERABILITY**  
5 **ASSESSMENT.**—Not later than 1 year after the date of en-  
6 actment of this Act and not less than every 5 years there-  
7 after, the Secretary, acting through the Under Secretary  
8 for Emergency Communications, shall conduct an assess-  
9 ment of Federal, State, and local governments, to—

10 (1) define the range of operable and interoper-  
11 able emergency communications capabilities needed  
12 for specific events;

13 (2) assess the capabilities to meet such commu-  
14 nications needs; and

15 (3) identify the gap between such capabilities  
16 and defined requirements.

17 (b) **PROGRESS REPORTS.**—Not later than 1 year  
18 after the date of enactment of this Act, and annually  
19 thereafter, the Secretary, acting through the Under Sec-  
20 retary for Emergency Communications, shall submit to  
21 Congress a report on the progress of the Department in  
22 implementing and achieving the goals of this Act, includ-  
23 ing—

1           (1) a description of the findings of the most re-  
2           cent baseline assessment conducted under subsection  
3           (a);

4           (2) a determination of the degree to which  
5           interoperable emergency communications has been  
6           achieved to date and ascertain the needs that remain  
7           for interoperability to be achieved;

8           (3) an assessment of the ability of communities  
9           to provide and maintain interoperable emergency  
10          communications—

11                (A) among emergency managers, emer-  
12                gency response providers, emergency response  
13                support providers, and government officials in  
14                the event of acts of terrorism, natural disasters,  
15                or other emergencies, including Incidents of Na-  
16                tional Significance declared by the Secretary  
17                under the National Response Plan; and

18                (B) in the event of substantial damage to  
19                ordinary communications infrastructure or sus-  
20                tained loss of electricity;

21           (4) a list of best practices among communities  
22           for providing and maintaining interoperable emer-  
23           gency communications in the event of acts of ter-  
24           rorism, natural disasters, or other emergencies; and

1           (5) an evaluation of the feasibility and desir-  
 2           ability of the Department developing, on its own or  
 3           in conjunction with the Department of Defense, a  
 4           mobile communications capability, modeled on the  
 5           Army Signal Corps, that could be deployed to sup-  
 6           port emergency communications at the site of acts of  
 7           terrorism, natural disasters, or other emergencies.

8   **SEC. 6. COORDINATION OF FEDERAL EMERGENCY COMMU-**  
 9                           **NICATIONS GRANT PROGRAMS.**

10          (a) ASSESSMENT OF GRANTS AND STANDARDS PRO-  
 11       GRAMS.—The Secretary, acting through the Under Sec-  
 12       retary for Emergency Communications, shall assess Fed-  
 13       eral grants and standards programs managed by other  
 14       Federal departments and agencies to—

15               (1) integrate and coordinate Federal grant  
 16       guidelines for the use of Federal homeland security  
 17       assistance relating to interoperable emergency com-  
 18       munications;

19               (2) assess and make recommendations to en-  
 20       sure that such guidelines are consistent with the  
 21       mission of the Office of Emergency Communications;  
 22       and

23               (3) assess and make recommendations to en-  
 24       sure conformity with the goals and objectives identi-

1       fied in the National Emergency Communications  
2       Strategy.

3       (b) DENIAL OF ELIGIBILITY FOR GRANTS.—

4           (1) IN GENERAL.—The Secretary, acting  
5       through the Under Secretary for Emergency Com-  
6       munications, may prohibit any State or local govern-  
7       ment from using Federal homeland security assist-  
8       ance administered by the Department to achieve,  
9       maintain, or enhance interoperable emergency com-  
10      munications capabilities, if—

11           (A) such government has not complied  
12      with the requirement to submit a Statewide  
13      Interoperable Communications Plans under sec-  
14      tion 7303(f) of the Intelligence Reform and  
15      Terrorism Prevention Act of 2004 (6 U.S.C.  
16      194(f)); and

17           (B) not later than 3 years after the date  
18      of enactment of this Act, national voluntary  
19      consensus standards for interoperable emer-  
20      gency communications capabilities have not  
21      been developed and promulgated.

22           (2) STANDARDS.—If the standards described in  
23      paragraph (1)(B) have not been developed and pro-  
24      mulgated on the date that is 3 years after the date  
25      of enactment of this Act, the Secretary, in coordina-

1       tion with other Federal departments and agencies  
2       with responsibility for standards shall develop, pro-  
3       mulgate, and revise national voluntary consensus  
4       standards on interoperable emergency communica-  
5       tions not later than 4 years after the date of enact-  
6       ment of this Act.

7       (c) TRANSFER OF FUNCTIONS.—Not later than 60  
8       days after the date of enactment of this Act, the President  
9       shall transfer to the Under Secretary for Emergency Com-  
10      munications the functions authorized by section 3006 of  
11      the Deficit Reduction Act of 2006 (Public Law 109–71;  
12      120 Stat. 24), including the authority to borrow under  
13      3006(b) of that Act.

14      **SEC. 7. REGIONAL EMERGENCY COMMUNICATIONS CO-**  
15                                    **ORDINATION.**

16      (a) IN GENERAL.—Not later than 180 days after the  
17      date of enactment of this Act, the Secretary, acting  
18      through the Under Secretary for Emergency Communica-  
19      tions, shall submit a plan to Congress to establish Re-  
20      gional Emergency Communications Working Groups in  
21      critical regions throughout the Nation.

22      (b) SUBJECT MATTER EXPERTS.—Each RECC  
23      Working Group shall consist of the following:

24                   (1)      NON-FEDERAL.—Organizations      rep-  
25      resenting the interests of the following:

- 1 (A) State officials.
- 2 (B) Local government officials.
- 3 (C) State police departments.
- 4 (D) Local police departments.
- 5 (E) Local fire departments.
- 6 (F) Public safety answering points (9–1–1
- 7 services).
- 8 (G) Communications equipment vendors
- 9 (including broadband data service providers).
- 10 (H) Hospitals.
- 11 (I) Public utility services.
- 12 (J) Local exchange carriers.
- 13 (K) Local broadcast media.
- 14 (L) Wireless carriers.
- 15 (M) Satellite communications services.
- 16 (N) Emergency evacuation transit services.
- 17 (O) Ambulance services.
- 18 (P) HAM and amateur radio operators.
- 19 (Q) State emergency managers, homeland
- 20 security directors, or representatives of State
- 21 Administrative Agencies.
- 22 (R) Local emergency managers or home-
- 23 land security directors.



1 (S) Other emergency response providers or  
2 emergency support providers as deemed appro-  
3 priate.

4 (2) FEDERAL.—Representatives from the De-  
5 partment and other Federal departments and agen-  
6 cies (including the E-911 Implementation Coordina-  
7 tion Office of the National Telecommunications and  
8 Information Administration and the National High-  
9 way Transportation Safety Administration estab-  
10 lished under section 158 of the National Tele-  
11 communications and Information Administration Or-  
12 ganization Act (47 U.S.C. 942)) with responsibility  
13 for coordinating interoperable emergency commu-  
14 nications with or providing emergency support serv-  
15 ices to State and local governments.

16 (c) DUTIES.—The duties of each RECC Working  
17 Group shall include—

18 (1) assessing the survivability, sustainability,  
19 and interoperability of local emergency communica-  
20 tions systems to meet the goals of the National  
21 Emergency Communications Strategy;

22 (2) reporting annually to the Under Secretary  
23 for Emergency Communications on the status of its  
24 region in building a robust and sustainable inter-  
25 operable voice and data emergency communications

1 network and on the progress of the region in meet-  
 2 ing the goals of the National Emergency Commu-  
 3 nications Strategy;

4 (3) coordinating the establishment of an effec-  
 5 tive multijurisdictional, multi-agency emergency  
 6 communications network for use during acts of ter-  
 7 rorism, natural disasters, and other emergencies  
 8 through the expanded use of emergency management  
 9 and public safety communications mutual aid agree-  
 10 ments; and

11 (4) coordinating the establishment of Federal,  
 12 State, and local support services and networks de-  
 13 signed to address the immediate and critical human  
 14 needs in responding to acts of terrorism, natural dis-  
 15 asters, and other emergencies.

16 **SEC. 8. EMERGENCY COMMUNICATIONS PREPAREDNESS**  
 17 **CENTER.**

18 (a) ESTABLISHMENT.—There is established the  
 19 Emergency Communications Preparedness Center.

20 (b) OPERATION.—

21 (1) IN GENERAL.—The Secretary, the Chair-  
 22 man of the Federal Communication Commission, the  
 23 Secretary of Defense, the Secretary of Commerce,  
 24 the Attorney General, and the heads of other Fed-  
 25 eral departments and agencies (including the E-911

1 Implementation Coordination Office of the National  
2 Telecommunications and Information Administration  
3 and the National Highway Transportation Safety  
4 Administration established section 158 of the Na-  
5 tional Telecommunications and Information Admin-  
6 istration Organization Act (47 U.S.C. 942)) or their  
7 designees shall jointly operate the Center in accord-  
8 ance with the Memorandum of Understanding enti-  
9 tled, “Emergency Communications Preparedness  
10 Center (ECPC) Charter”.

11 (2) CHAIR.—The Secretary shall be the Chair  
12 of the Center.

13 (c) FUNCTIONS.—The Center shall—

14 (1) serve as the focal point for interagency ef-  
15 forts to address operable and interoperable commu-  
16 nications;

17 (2) serve as a clearinghouse for all relevant in-  
18 formation regarding intergovernmental efforts to  
19 achieve nationwide interoperable emergency commu-  
20 nications capabilities;

21 (3) ensure cooperation among the relevant Fed-  
22 eral Government departments and agencies to im-  
23 prove effectiveness in the communication and imple-  
24 mentation of the goals of the National Emergency  
25 Communications Strategy, including specifically by

1 working to avoid duplication, hindrances, and coun-  
2 teractive efforts among the participating Federal de-  
3 partments and agencies;

4 (4) prepare and submit to Congress, on an an-  
5 nual basis, a strategic assessment regarding the ef-  
6 forts of Federal departments and agencies to imple-  
7 ment the National Emergency Communications  
8 Strategy; and

9 (5) perform such other functions as the Presi-  
10 dent may assign.

11 (d) REPORT.—Not later than 180 days after the date  
12 of enactment of this Act, the President shall transmit to  
13 the Congress a report regarding the implementation of  
14 this section, including a description of the staffing and re-  
15 source needs of the Center.

16 **SEC. 9. INTEGRATED NATIONAL ALERT AND WARNING SYS-**  
17 **TEM.**

18 (a) IN GENERAL.—The Secretary, acting through the  
19 Under Secretary for Emergency Communications, and in  
20 coordination with the head of any Federal department or  
21 agency that possesses or acquires alert and warning capa-  
22 bilities, including the Departments of Commerce and De-  
23 fense and the Federal Communications Commission, shall  
24 develop, manage, operate, and coordinate an integrated

1 national public alert and warning system that incorporates  
2 legacy systems.

3 (b) REQUIREMENTS.—

4 (1) IN GENERAL.—The system developed under  
5 subsection (a) shall—

6 (A) be operational within 3 years of the  
7 date of enactment of this Act;

8 (B) ensure effective collaboration with  
9 State and local governments;

10 (C) complement and provide interoper-  
11 ability with public alert and warning systems of  
12 State and local governments;

13 (D) ensure the interoperability of commer-  
14 cially available equipment for radio and data  
15 communications systems;

16 (E) carry alert and warning messages for  
17 acts of terrorism, natural disasters, and other  
18 emergencies; and

19 (F) incorporate, to the maximum extent  
20 possible, technologies and systems that warn  
21 and support the unique needs faced by persons  
22 with disabilities or language barriers.

23 (2) OTHER REQUIREMENTS.—In developing,  
24 managing, operating, and coordinating the system  
25 under subsection (a), the Secretary shall—

1 (A) conduct regular internal training and  
2 exercises on generating and disseminating pub-  
3 lic alert and warning messages;

4 (B) support public education and outreach  
5 to increase community awareness of the inte-  
6 grated national alert and warning system;

7 (C) develop public–private partnerships  
8 to—

9 (i) leverage government and industry  
10 needs, capabilities, and resources necessary  
11 to delivery effective disaster warnings;

12 (ii) facilitate the development, promul-  
13 gation, and regular updating of national  
14 voluntary consensus standards for public  
15 alert and warning technologies;

16 (iii) identify, in consultation with the  
17 Assistant Secretary for Infrastructure Pro-  
18 tection and the Assistant Secretary for  
19 Cybersecurity and Telecommunications,  
20 critical infrastructure and key resources  
21 necessary to provide accurate, survivable,  
22 and sustainable public alerts and warnings;

23 (iv) incorporate private sector threat  
24 information sharing into alert and warning

1 systems of Federal, State, and local gov-  
2 ernments; and

3 (v) ensure continuity of operations  
4 plans are in place to minimize the disrup-  
5 tion to communications infrastructure used  
6 for the dissemination of public alerts and  
7 warnings;

8 (D) promulgate standard operating proce-  
9 dures and protocols for the integrated national  
10 public alert and warning system; and

11 (E) identify and incorporate existing, new,  
12 and emerging technologies, including the utili-  
13 zation of both satellite and ground based alert  
14 and warning distribution networks to provide  
15 redundant, timely, and accurate public alerts  
16 and warnings.

17 (c) IMPLEMENTATION PLAN.—Not later than 180  
18 days after the date of enactment of this Act, the Sec-  
19 retary, acting through the Under Secretary for Emergency  
20 Communications, shall develop an implementation plan for  
21 this section.

○